

**RESOLUTION NO. 2014-50**

**A RESOLUTION OF THE VILLAGE COMMISSION  
OF THE VILLAGE OF BISCAYNE PARK,  
FLORIDA, URGING LOCAL RETAILERS SELLING  
TOBACCO PRODUCTS TO REFRAIN FROM  
SELLING AND MARKETING FLAVORED  
TOBACCO PRODUCTS BECAUSE SUCH  
PRODUCTS TEND TO PROMOTE AND  
INFLUENCE TOBACCO USE BY MINORS AND  
YOUNG ADULTS, PROVIDING FOR AN  
EFFECTIVE DATE**

WHEREAS, tobacco use is the number one cause of preventable death in the United States, and almost 90 percent of tobacco users started before they were 18 years old; and

WHEREAS, each day, more than 4,000 young people try smoking for the first time, and over 1,000 become regular daily smokers; and

WHEREAS, the Surgeon General has concluded that tobacco advertising greatly contributes to youth smoking rates; and

WHEREAS, an estimated one third of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities; and

WHEREAS, the Master Settle Agreement (MSA) reached in 1998 between State Attorneys General and major tobacco companies forbids cigarette manufacturers from directly or indirectly targeting youth in advertising, marketing and promotion of tobacco products or to take any action to initiate, maintain or increase youth smoking; and

WHEREAS, internal tobacco industry documents strongly suggest that manufacturers intentionally target youth through use of candy-like flavors in tobacco products; and

WHEREAS, research from the Harvard School of Public Health (published November, 2005) found that cigarette makers are targeting young smokers with new candy and liqueur-flavored brands that mask the harsh and toxic properties found in tobacco smoke. Tobacco companies use youth-oriented colorful and stylish packaging, and exploit adolescents' attraction to candy flavors with names such as "Mandarin Mint", "Winter Warm Toffee" and "Twista Chill"; and

WHEREAS, on September 22, 2009, the federal Family Smoking Prevention and Tobacco Control Act ("ACT") went into effect which imposes a ban on the sale of cigarettes containing certain flavors, herbs or spices including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry or coffee; and

WHEREAS, the Act does not include a ban on menthol cigarettes or other types of flavored tobacco products such as cigars, hookah or smokeless tobacco products; and

1  
2 WHEREAS, national studies have found that the vast majority of people who are using  
3 the flavored tobacco products are minors and young adults; and  
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5 WHEREAS, some of these tobacco products, specifically flavored cigars and blunt wraps  
6 are also used as drug paraphernalia for the smoking of marijuana; and  
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8 WHEREAS, flavored tobacco products are defined for purposes of this Resolution as  
9 loose tobacco including snuff flour, plug and twist tobacco, fine cuts, chewing tobacco, snus,  
10 shisha tobacco, smoking or snuffing tobacco products and all other kinds and forms of tobacco,  
11 including but not limited to cigarettes, cigars, smokeless tobacco products and blunt wraps  
12 prepared in such a manner with the purpose of chewing, inhaling, smoking or ingesting in any  
13 manner in which the product of any of its component parts (including the tobacco filter, or paper)  
14 contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor  
15 or an herb or spice, including but not limited to, strawberry, grape, orange, clove, cinnamon,  
16 pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, coffee or alcohol flavors, that is a  
17 characterizing flavor of the tobacco product or tobacco smoke.  
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19 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE  
20 COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:  
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22 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
23 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.  
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25 **Section 2.** That all local retailers who sell tobacco products are hereby urged to cease  
26 the sale and marketing of all flavored tobacco products, which are defined herein as loose  
27 tobacco including but not limited to, snuff, flour, plug and twist tobacco, fine cuts, chewing  
28 tobacco, snus, smoking or snuffing tobacco products and all other kinds and forms of tobacco,  
29 including but not limited to cigarettes, cigars, smokeless tobacco products and blunt wraps  
30 prepared in such a manner with the purpose of chewing, inhaling, smoking or ingesting in any  
31 manner which have been flavored through the addition of natural or artificial flavorings, herbs,  
32 spices or other means with flavors characterizing fruit, candy, alcohol or other similar flavorings.  
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34 **Section 3.** The Mayor and Administration are hereby authorized to take any and all  
35 action necessary to implement the purpose of this Resolution.  
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37 **Section 4.** This resolution shall be effective immediately upon its adoption.  
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40 PASSED AND ADOPTED this 9<sup>th</sup> day of September, 2014.  
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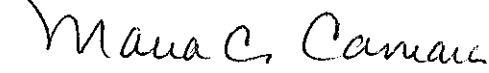
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43 The foregoing resolution upon being  
44 put to a vote, the vote was as follows:

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48 David Coviello, Mayor  
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Mayor Coviello: Yes  
Vice Mayor Ross: Yes  
Commissioner Anderson: Yes

Commissioner Jonas: Yes  
Commissioner Watts: Yes

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3  
4 Attest:

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8 Maria C. Camara, Village Clerk  
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10  
11 Approved as to form:

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13  
14  
15 John J. Hearn, Village Attorney